

1 A I believe he did, yes.

2 Q And what then did you do with them?

3 A I would send -- my normal practice and I believe
4 what I did was to send them to John Schauble for filing with
5 the Commission.

6 Q And they were, in fact, filed with the Commission
7 you now know?

8 A Yes.

9 Q Now, did you have any communication with George
10 Gardner before he signed these applications in December 1991,
11 and by communication I mean any communication other than this
12 note of December 18, TBF Exhibit 244?

13 A I don't recall.

14 Q You don't recall George Gardner asking you any
15 questions about anything that was in, in the application?

16 A I don't recall.

17 Q You don't recall contacting George Gardner to
18 explain to him anything that was in the application?

19 A I don't recall.

20 Q Did you have any communication with Lee Sandifer,
21 again apart from the note of December 18th, did you have any
22 communication with Lee Sandifer regarding the statements made
23 in the application?

24 A I don't recall.

25 Q Did you have any communication with anyone at

1 Raystay at all that you recall at the time you reviewed these
2 applications? Did you have any communication with anyone,
3 apart from Mr. Sandifer or Mr. -- George Gardner, about the
4 substance of the statements in Exhibit 1?

5 A I don't recall.

6 JUDGE CHACHKIN: What do you mean when you say you
7 don't recall? Does that mean you don't recall having such
8 conversations or you don't recall whether or not you had such
9 conversations? I don't understand what you mean when you say
10 I don't recall. Which is it?

11 MR. GARDNER: Okay. I don't recall such
12 conversations or don't recall having.

13 JUDGE CHACHKIN: In other words, you don't recall
14 whether or not you had a conversation or you don't recall
15 having that conversation?

16 MR. GARDNER: I don't recall having the
17 conversation.

18 JUDGE CHACHKIN: That's what you meant by I don't
19 recall?

20 MR. GARDNER: Yes, sir.

21 JUDGE CHACHKIN: All right. Otherwise, it's not
22 clear on the record when you said I don't recall.

23 BY MR. EMMONS:

24 Q Mr. Gardner, would you turn to TBF Exhibit 245,
25 please?

1 A Yes.

2 Q And just to orient you, this exhibit -- well, it's
3 one exhibit that consists of the four low power extension
4 applications filed with the Commission in December 1991, two
5 for Lebanon and two for Lancaster. And let me first just ask
6 you if you'd look at, if you'd look at pages 1 through 4 of
7 the exhibit which is one, one of the applications in its
8 entirety. Tell me if you recognize that as being what was
9 sent to Mr. Schauble? It was pages 2 through 4, sent to Mr.
10 Schauble for filing with the FCC.

11 A Okay. 1 through 4?

12 Q Well, 1 is a cover page from Mr. Schauble's office,
13 so really focus on pages 2 through 4 for purposes of the
14 question.

15 A Yes.

16 Q Okay. And you do recognize those pages as being one
17 of the applications that was filed with the Commission in
18 December 1991?

19 A Yes.

20 Q And I won't ask you to go through the same process
21 for the other three because I will represent to you that they
22 are essentially identical and they came from Raystay's files
23 in the discovery in this proceeding. Look, though, at page 2
24 of the exhibit, if you would, which is the signature page for
25 the application for Lancaster, Channel 23, and tell me if you

1 recognize the signature on there as being the signature of
2 George Gardner?

3 A Yes, it is.

4 Q And if you'd look at pages 3 and 4 of the exhibit
5 which constitute Exhibit 1 of the application and tell me if
6 you recognize that as being the Exhibit 1 that you approved
7 per your discussions with Mr. Schauble.

8 A Yes, it is.

9 Q All right. And I will represent to you that the,
10 that the other three applications in this exhibit have the
11 same Exhibit 1. Now, Mr. Gardner, when you reviewed this
12 Exhibit 1 in December 1991 was it your view that Exhibit 1 was
13 complete?

14 A Yes.

15 Q And was it your view that all the statements in
16 Exhibit 1 were accurate?

17 A Yes.

18 Q And was it your view that Exhibit 1 was candid?

19 A Candid is a word I'm not familiar with the
20 definition of.

21 Q Honest.

22 A Yes.

23 Q Truthful in all respects?

24 A Yes.

25 Q Not misleading?

1 A No, not misleading.

2 Q Your answer is you believed it was not misleading?

3 A I believed it was not misleading.

4 Q And is that still your view today?

5 A Yes.

6 Q Now, you previously testified that -- I believe you
7 have -- that at the time that this -- these applications were
8 filed with the Commission in December 1991 no construction had
9 been commenced by Raystay of these low power stations, and my
10 question to you is what was your understanding at the time as
11 to why no construction had been started?

12 A George Gardner had not decided to start
13 construction.

14 Q And do you know -- did you have an understanding as
15 to why he had decided not to start construction?

16 A Yes.

17 Q And what was the reason?

18 A We -- Raystay, was still trying to formulate a
19 business plan that would have a reasonable expectation of
20 being successful when the construction permits were actually
21 put on the air.

22 Q So is it correct to say that as of December 1991
23 Raystay did not believe that it had yet developed a viable
24 business plan for these stations?

25 A Yes.

1 Q Now, as of December 1991 when these applications
2 were filed at the Commission did you know of any schedule for
3 starting construction of these stations?

4 A No.

5 Q Did you know as of December 1991 when these
6 applications were filed at the Commission whether Raystay was
7 necessarily going to construct these stations at all?

8 A That was not my decision.

9 Q But so far -- but you didn't know then whether
10 Raystay would construct or not construct?

11 A I did not know.

12 Q So is it fair to say then that at the time you
13 approved the filing of this Exhibit 1 in December 1991 you had
14 no idea if or when these stations would ever be built?

15 A I would characterize it more as a when than an if.
16 I always held a hope that they would be constructed.

17 Q You had a hope that they would be constructed?

18 A Yes.

19 Q But you didn't know when they would be constructed?

20 A Correct.

21 Q And you had certainty that these necessarily would
22 be constructed, did you?

23 A Not a certainty, no.

24 Q And it wasn't your decision to make, was it?

25 A It was not.

1 Q Now, would you turn to -- you have TBF Exhibit 245
2 which is the extension application. Turn to page 2 which is
3 the, the first page of the application form. Do you have
4 that?

5 A Yes.

6 Q And look about midway down the page to -- you see
7 there's a question 7A?

8 A Yes.

9 Q Question 7A says, "If application is for extension
10 of construction permit, submit as Exhibit No. 1 reasons why
11 construction has not been completed."

12 A Yes.

13 Q Now, would you look at Exhibit 1, which are the
14 following two pages, and tell me where in Exhibit 1 is any
15 reason stated why there's been no construction?

16 A Well, one of the reasons is that the equipment has
17 not been ordered or delivered.

18 Q Well, is there any reason given there as to why that
19 was the case?

20 A Why is -- I think it says it hasn't been ordered or
21 delivered.

22 Q But is there any reason stated as to why it hadn't
23 yet been ordered?

24 A Why it had not been ordered? I guess there is no
25 reason given as to why it had not been ordered.

1 Q Do you see any statement in Exhibit 1 reporting that
2 Raystay had not developed any viable business plan for this
3 station?

4 A Could you repeat the question?

5 Q Do you see anywhere in Exhibit 1 any explanation or
6 statement that Raystay had not yet developed a viable business
7 plan for this station?

8 A No, I don't see anything that states that.

9 Q Now, turn to page 4 of TBF Exhibit 245 which is the
10 second page of Exhibit 1.

11 A Yes.

12 Q And the first full paragraph there reads as follows,
13 "The denial of this extension request could eliminate any
14 possibility of the proposed LPTV service being offered to the
15 community. No application mutually exclusive with Raystay's
16 construction permit application was filed, so no other entity
17 has expressed an interest in providing this service." Let me
18 first ask you the term "this service" used at the end of that
19 paragraph, I take it that means the Lancaster low power
20 service in the case of the two Lancaster applications and the
21 Lebanon service in the case of the two Lebanon applications?

22 A Yes.

23 Q And so what you were saying in this paragraph then
24 is that no other entity has expressed an interest in providing
25 low power television service to Lancaster or Lebanon, as the

1 case may be?

2 A No one else expressed an interest on using those
3 channels to provide LPTV service.

4 Q Well, you knew that wasn't true, didn't you?

5 A No.

6 Q You didn't know that that was not true?

7 A No, I didn't,

8 Q Well, you knew that Trinity expressed a strong
9 interest, didn't you?

10 A Yes.

11 Q You knew that Trinity had been negotiating with you
12 for three months?

13 A Yes.

14 Q And you knew that Trinity had sent an engineer to
15 look at the facilities, look at the sites?

16 A Yes.

17 Q And you believed from the fact that they'd done that
18 that they were sincerely interested in acquiring these
19 permits, didn't you?

20 A Yes.

21 Q And you knew that Trinity had prepared contracts for
22 the purchase of these permits?

23 A Yes.

24 Q And you knew that those -- that Trinity had sent
25 those contracts to Raystay for signature?

1 A Yes.

2 Q And you knew that Trinity had even drafted
3 applications, FCC applications, for the assignment of these
4 permits from Raystay to Trinity, didn't you?

5 A Yes.

6 Q And you knew that Trinity, in fact, had even said
7 that it would pay all the FCC filing fees and attorneys fees
8 related to those applications?

9 A Yes.

10 Q And you knew that Trinity had called you asking what
11 was the status of the matter after they hadn't heard for
12 awhile?

13 A Yes.

14 Q And you knew that the only reason that the
15 negotiations didn't go forward is that George Gardner abruptly
16 terminated them?

17 A Yes.

18 Q And you knew that that abrupt termination had
19 happened only two weeks before you reviewed this Exhibit 1?

20 A Yes.

21 Q So was it not a flat lie to say in Exhibit 1 that,
22 "No other entity has expressed an interest in providing this
23 service?"

24 MR. SCHAUBLE: Objection.

25 JUDGE CHACHKIN: Sustained. That's not what it

1 says, counsel. You know what it says. It says, "No
2 application mutually exclusive of Raystay's construction
3 permit was filed, so no other entity has expressed an interest
4 in providing the service." That's what it said. You have to
5 read the whole sentence. The sentence deals with the
6 application. Now, if you say they have a requirement to
7 report -- are you saying they're required to report the facts
8 that there were pending negotiations with other entities to
9 acquire this station, that that somehow makes this sentence
10 inconsistent? Is that what you're saying?

11 MR. EMMONS: I'm, I'm --

12 JUDGE CHACHKIN: Is that what you're saying, that
13 they -- did they have a requirement to -- but that's entirely
14 -- it has nothing to do with this sentence. This sentence
15 deals with the fact that no other application for a
16 construction permit had been filed. That's what the sentence
17 says. It doesn't say anything else and I don't see any basis
18 for arguing that the fact they had negotiations with Trinity
19 and many other applicants is inconsistent with this sentence.
20 I don't see any basis for it.

21 BY MR. EMMONS:

22 Q Mr. Gardner, why was that sentence included in
23 Exhibit 1?

24 A I believe John Schauble felt that it should be
25 included.

1 Q Why did you feel it should be included?

2 A Because I relied upon John Schauble to create an
3 exhibit that answered the questions on the FCC Form 307.

4 Q And you gave it no independent thought?

5 A I reviewed what he sent to me in regards to filling
6 out these forms and I independently agreed with what he said.

7 JUDGE CHACHKIN: And there's also another thing you
8 have to read there. The first sentence talks about proposed
9 LPT service being offered to the community. I don't know what
10 kind of service Trinity proposed. Apparently -- there's no
11 evidence that it was similar or identical to what was being
12 proposed by Raystay, so I don't see how that is inconsistent,
13 the fact -- why they had to -- is consistent with this
14 statement made here in this paragraph. Now, whether or not
15 they had to report that there were ongoing negotiations to
16 sell the permit is something else altogether, but that's not
17 what we're talking about. We're talking about what the
18 statement says here.

19 MR. EMMONS: Well, Your Honor, I think that this
20 statement in Exhibit 1, and we would so argue, was inserted in
21 Exhibit 1 to create an impression that if the Commission
22 didn't grant the extension there was not going to be any
23 possibility that these permits would ever be activated, and we
24 will argue that --

25 JUDGE CHACHKIN: Nobody filed an application.

1 That's all you can go by.

2 MR. EMMONS: No, no one filed an application.

3 JUDGE CHACHKIN: That's all the Commission can go
4 by. Nobody filed an application. That's normally the way
5 permits are activated, if someone files an application. It's
6 not, it's not the normal procedure to sell the application to
7 somebody else. So this sentence in itself, I don't see how
8 this is not a truthful statement. Now, I'm not getting to the
9 question of whether or not they had an obligation to report
10 the fact that there were ongoing negotiations with this
11 station, but as far as, as far as I see this paragraph
12 standing alone doesn't seem to me to be untruthful.

13 BY MR. EMMONS:

14 Q Mr. Gardner, turn if you would to TBF Exhibit 246.

15 A Yes.

16 Q This is a, a declaration -- do you recognize this as
17 a declaration under penalty of perjury that you signed for
18 submission in this proceeding in June of 1993?

19 A Yes.

20 Q And is that your signature that appears on the third
21 page?

22 A Yes.

23 Q And did you understand that this declaration was
24 going to be submitted to the FCC by Glendale Broadcasting
25 Company?

1 A I can't recall exactly, but I knew that it was going
2 to be used for important legal purposes.

3 Q And did you understand that it was a response to
4 allegations made by Trinity in this proceeding that Raystay
5 had made misrepresentations in the low power extension
6 application?

7 A At the time I was -- I'm not sure that I was aware
8 of all of the allegations, the legal allegations. However, as
9 I said, I knew that it was going to be used for important
10 legal purposes.

11 Q Now, on page 1 of the declaration, in the third
12 paragraph, you say, "In the latter part of 1991 I was involved
13 in negotiations with several parties who were interested in
14 purchasing the Lancaster and Lebanon T.V. construction
15 permits. One of the parties I negotiated with who expressed
16 interest in purchasing the construction permits was Trinity
17 Christian Center of Santa Anna, Inc., d/b/a Trinity
18 Broadcasting Network." And that, I take it, is consistent
19 with your testimony earlier here that you concede that Trinity
20 at least, and now you indicated others, have -- at that time
21 in the fall of 1991 expressed interest in purchasing these
22 construction permits?

23 A Yes.

24 Q Now, would you turn to page -- excuse me, to TBF
25 Exhibit 245 again? That's back to the extension applications.

1 A Yes.

2 Q Page 3 which is the first page of Exhibit 1. And in
3 the third paragraph, the sentence that begins about the fifth
4 line or fourth -- fifth line of the paragraph, "It," meaning
5 Raystay, "has entered into lease negotiations with
6 representatives of the owners of the antenna site specified in
7 the application, although those negotiations have not been
8 consummated." Now, who was negotiating with the antenna site
9 owners on behalf of Raystay?

10 A I was.

11 Q Was there anyone else besides you?

12 A Not to my knowledge.

13 Q Now, with respect to the -- let me clarify this.
14 The sites being referred to here are the Lancaster site and
15 the Lebanon site? Is that correct?

16 A Yeah.

17 Q Okay. Now, with respect to the Lancaster site, what
18 person or persons were you negotiating with?

19 A In the fall of 1991 I had a phone conversation with
20 someone at the Lancaster site who purported to be in a
21 decision making capacity, but I don't know that I knew his
22 name.

23 Q Okay. And that was -- you don't -- you never knew
24 or you don't remember the name?

25 A I don't remember the name.

1 Q Did you know the name at one time?

2 A I don't recall that I ever knew the name.

3 Q And your negotiations were with, with that one
4 person or were there -- was there more than one person?

5 A My negotiations were with one person.

6 Q Was that person a male or a female?

7 A I believe he was a male.

8 Q Now, with respect to the Lebanon site, what person
9 were you negotiating with on behalf of Raystay?

10 A The manager of the Quality Inn in Lebanon.

11 Q And what was that person's name?

12 A I don't recall that I ever knew his name.

13 Q And were you in negotiations with just that one
14 person for Lebanon or was there more than one person at
15 Lebanon?

16 A Just one person at Lebanon.

17 Q And that was, that was a man, you say?

18 A Yes, it was.

19 Q Now, with respect to Lancaster, when did you first
20 enter into the lease negotiations?

21 A When these proceedings all began I was not aware of
22 when I did. However, in the preparation of documents we found
23 a phone log which indicated it was in early October 1991.

24 Q And with respect to Lebanon, when did you first
25 enter into the lease negotiations?

1 A Again, October 1991.

2 Q Now, with respect to Lancaster, over what period of
3 time did the negotiations extend?

4 A I had one conversation with the person that
5 purported to be in management at Lancaster.

6 Q Just the one conversation?

7 A Yes.

8 Q With respect to Lebanon, over what period of time
9 did the, did the negotiations extend?

10 A I had one phone conversation with the person who
11 came on the phone and said he was the manager of the Quality
12 Inn at Lebanon.

13 Q And in each case, Lancaster and Lebanon, the one
14 phone conversation occurred in early October 1991?

15 A Yes.

16 Q So with respect to Lancaster, there were no further
17 negotiating sessions after that one phone call?

18 A No, not by me.

19 Q By anybody else on behalf of Raystay?

20 A I was not aware of any others.

21 Q So is it correct that with respect to Lancaster as
22 far as you know there was no further contact between Raystay
23 and the site owner with respect to lease negotiations after
24 the one phone call?

25 A Correct.

1 Q Now, how long did, did the phone call last?

2 A I don't recall independently of the phone log.

3 Q And what do you -- from the phone log what do you
4 understand to have been the duration of the negotiating
5 session?

6 A It says one minute.

7 Q And when you spoke with Mr. Schauble in December of
8 1991 in the course of preparing the low power extension
9 applications did you tell Mr. Schauble that your communication
10 and negotiation with the Lancaster site owner representative
11 was a single telephone call?

12 A I don't recall the specifics of that conversation
13 with Mr. Schauble.

14 Q You don't recall telling Mr. Schauble that, that
15 your negotiation with the Lancaster site owner was a single
16 telephone call?

17 A I don't recall telling him that exactly.

18 Q Would you turn to your deposition transcript? I
19 think you have that, the yellow volume, in front of you.

20 A Yellow and black, yes.

21 Q Page 108.

22 A Yes.

23 Q Starting on line 14 it reads, "Question: Did you
24 tell Mr. Schauble that the -- that your communications with
25 the site owner representative referred to was -- consisted of

1 one telephone conversation with each site owner
2 representative? Answer: Yes." Does that refresh your
3 recollection as to what you told Mr. Schauble on that point?

4 A It would appear at the time of the deposition I felt
5 that I had told John Schauble that we had one phone
6 conversation, yes.

7 Q Now, with respect to the negotiations with the
8 Lebanon site owner, it is correct, I take it from what you've
9 already testified, that after the one telephone conversation
10 that you testified to you had no further communication with
11 that person?

12 A Not -- yes, not, not until 1993.

13 Q Are you referring to having seen that person at the
14 deposition in 1993?

15 A Yes.

16 Q But that was well after the construction permits had
17 been turned in?

18 A Yes.

19 Q And with respect to the Lebanon negotiation, tell us
20 again what the duration of that negotiation was?

21 A The phone log indicates it was one minute.

22 Q Now, you've testified that this occurred in early
23 October of 1991 and your previous testimony has established
24 that at that time frame you were then in the middle of
25 negotiating for the sale of these construction permits to

1 Trinity. So my question is why did you suddenly start
2 negotiating with the site owners for a lease at that point?

3 A Trinity asked me to.

4 Q What did Trinity ask you to do?

5 A Trinity through their representative, who I felt to
6 be their representative, the engineer, asked me if I would
7 determine if the sites were still available and if he could
8 make a visit to the sites to see what their suitability was to
9 be LPTV antenna sites.

10 Q So, so you made those calls to the Lebanon site and
11 to the Lancaster site to arrange for Mr. -- is it Mr. Riley?
12 Is that the engineer?

13 A Yes.

14 Q To arrange for Mr. Riley to visit those sites?

15 A First to see if they were still available and,
16 second, so -- to introduce him because he wanted to have
17 access to the sites and that was his request, to introduce
18 him.

19 Q You would not have made those calls, I take it, then
20 to, to the Lebanon and Lancaster sites if Mr. Riley hadn't
21 asked you to do it?

22 A I would not have made those calls at that time.

23 Q Had you ever before spoken to anyone representing
24 the two site owners, Lebanon and Lancaster?

25 A No.

1 Q How did you know who to call?

2 A I knew the owners of the sites and --

3 Q By owners you mean what, the names of the --

4 A Names of the owners, yes.

5 Q -- the names of the business?

6 A Names of the business.

7 Q But how did you know who to speak to there?

8 A I called the office and asked for the manager.

9 Q Before making that call, did you consult your FCC
10 applications, the original construction permit applications,
11 for these permits?

12 A I don't recall if I consulted them or not.

13 Q Would you turn to your deposition, page 56, please?

14 At the bottom -- starting at the bottom of page 56, at line
15 23, "Question: How did you determine who you would call --
16 who to call to make those arrangements? Did you consult some
17 document or -- that indicated to you who it would be
18 appropriate to call? Answer: Yes. Question: What was that?
19 Answer: The original license applications showing the
20 proposed transmitter location."

21 MR. SCHAUBLE: Your Honor, I believe he should go on
22 reading line 7 through 10 of that page.

23 JUDGE CHACHKIN: You want the witness to read it?
24 The witness -- would you read line 7 through 10?

25 MR. EMMONS: Well, I'll read them. Continue on line

1 7. "Question: You mean the construction permit? Answer:
2 Construction permit, yeah. Well, I may have used the
3 applications. You know, I have the application and the CP in
4 the same file."

5 BY MR. EMMONS:

6 Q Now, Mr. Gardner, does that refresh your
7 recollection as to whether or not you consulted the, the FCC
8 applications before you placed the call to these two
9 locations?

10 A Since that's the place the names are, it would seem
11 logical that that's where I got them from.

12 Q Well, turn, turn to TBF Exhibit 203 which is in
13 Volume 3D. And Exhibit 203, just to orient you, is the
14 original Raystay application for the Lancaster Channel 23
15 permit filed in 1989, and turn, if you would, to page 4 of the
16 exhibit.

17 A Yes.

18 Q Let me ask you first. These -- copies of these
19 applications, TBF Exhibit 203 through 206, they were in your
20 files, were they not, at Raystay? You testified that you kept
21 the FCC files?

22 A Yes.

23 Q So these were in your files?

24 A Yes.

25 Q And on page 4 of TBF Exhibit 203 do you see about

1 the middle of the page there is a name and -- a company name
2 and a community name given as the authorized person --
3 spokesperson for the site owner?

4 A Yes.

5 Q And in this case do you see that that's Edward Rick,
6 III at the -- it says Really Mix, but I think that may be a
7 type, Ready-Mix Concrete Company? Do you see that?

8 A Yes.

9 Q Now, is this what you consulted before you placed
10 the call that Mr. Riley requested you make?

11 A It was either this or -- this is the application.
12 It would -- I would expect that it would have been the
13 application.

14 Q Okay. And you see that the information includes a
15 telephone number --

16 A Yes.

17 Q -- for the individual?

18 A Yes.

19 Q And we've seen here on page 4 of this exhibit that
20 Mr. Rick was the designated -- authorized spokesperson for the
21 Lancaster site, and if you turn to TBF Exhibit 205, page 4 --
22 do you have that?

23 A Yes.

24 Q And you see there that the -- there is the name of
25 Barry L. March? Do you see that?

1 A Yes.

2 Q And it identifies Mr. March as General Manager of
3 the Quality Inn?

4 A Yes.

5 Q And it gives a telephone number?

6 A Yes.

7 Q All right. Now, did you give to Mr. Riley the names
8 of the people he should ask for when he went to those two
9 sites, to Lebanon and Lancaster?

10 A I don't recall.

11 Q All right. Now, when you called -- when you placed
12 the telephone call, and I'm referring now to the Lancaster
13 contact, when you placed your telephone call to the Lancaster
14 site who did you ask for?

15 A The manager.

16 Q Did you ask for the manager by name or by title?

17 A Title.

18 Q Why did you not ask for him by name?

19 A I don't recall why I did not ask for him by name.

20 Q Do you recall to a certainty that you didn't ask for
21 him by name?

22 A Yes.

23 Q And yet you have the name from the application?
24 Correct?

25 A Yes.

1 Q And you have the telephone number?

2 A I recall that I did not use that telephone number.

3 Q I see. You used a different number?

4 A I did not use the telephone number from the
5 application. I called directory assistance.

6 Q I see. Why didn't you use the telephone number from
7 the application?

8 A I don't recall why I didn't use the telephone number
9 from the application.

10 Q And you knew that -- from the application, did you
11 not, that Mr. Rick was the authorized spokesperson for the
12 site because if you look in question 3 on page 4 of TBF
13 Exhibit 203 that's the phrase that's used?

14 MR. SCHAUBLE: Your Honor, I think at this point I'm
15 going to object on the basis of relevance. Where -- I don't
16 understand the details of how Mr. Gardner obtained the
17 telephone number, how that -- how that's relevant to the issue
18 here.

19 MR. EMMONS: Your Honor, there is going to be -- I
20 think you'll -- it will be --

21 JUDGE CHACHKIN: I'll overrule the objection. Go
22 ahead.

23 MR. GARDNER: Could you repeat the question?

24 BY MR. EMMONS:

25 Q Well -- yes. My question is you knew that, you knew